

1 James R. Touchstone, SBN 184584  
jrt@jones-mayer.com  
2 Denise Lynch Rocawich, SBN 232792  
dlr@jones-mayer.com  
3 JONES MAYER  
3777 North Harbor Boulevard  
4 Fullerton, CA 92835  
Telephone: (714) 446-1400  
5 Facsimile: (714) 446-1448

6 Attorneys for Defendants, SHERIFF MATTHEW KENDALL and COUNTY OF  
MENDOCINO  
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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 APRIL JAMES, EUNICE  
11 SWEARINGER, STEVE BRITTON,  
and ROUND VALLEY INDIAN  
12 TRIBES,

13 Plaintiffs,

14 vs.

15 MATTHEW KENDALL, Sheriff of  
Mendocino County; COUNTY OF  
16 MENDOCINO; WILLIAM  
HONSAL, Sheriff of Humboldt  
17 County; JUSTIN PRYOR, deputy of  
Humboldt County Sheriff's Office;  
18 COUNTY OF HUMBOLDT; SEAN  
DURYEE, Commissioner of the  
19 California Highway Patrol;  
CALIFORNIA HIGHWAY  
20 PATROL; and DOES 1 through 50,

21 Defendants.  
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Case No.: 25CV-03736-RMI  
Judge: Hon. Robert M. Illman

**DECLARATION OF DENISE LYNCH  
ROCAWICH IN SUPPORT OF  
MENDOCINO DEFENDANTS'  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

[Filed concurrently herewith:

- 1. Opposition to Motion for Partial  
Summary Judgement.]

Date: September 9, 2025  
Time: 2:00 p.m.  
Crtn: Eureka-McKinleyville Courthouse

1                   **DECLARATION OF DENISE LYNCH ROCAWICH IN SUPPORT OF**  
2                   **OPPOSITION TO PLAINTIFFS’ MOTION FOR**  
3                   **PARTIAL SUMMARY JUDGMENT**

4 I, Denise L. Rocawich, declare:

5           1. I am an attorney licensed to practice law in the State of California. I  
6 am a partner in the law firm of Jones & Mayer, counsel of record for Defendants,  
7 Mendocino County Sheriff Matthew Kendall and County of Mendocino. This  
8 Declaration is submitted in support of Mendocino Defendants’ Opposition to  
9 Plaintiffs’ Motion for Partial Summary Judgment. I have personal knowledge of  
10 the following facts and, if called as a witness, I would and could competently  
11 testify thereto.

12           2. Plaintiffs filed their original Complaint on April 29, 2025. [DKT 1]  
13 Mendocino Defendants filed a timely Motion to Dismiss on June 2, 2025. [DKT  
14 20] On July 11, 2025, even before Opposing Mendocino’s Motion to Dismiss,  
15 Plaintiffs filed a Motion for Partial Summary Judgment. [DKT 30]

16           3. Plaintiffs filed a First Amended Complaint (“FAC”) on July 17, 2025.  
17 Plaintiffs did not have Mendocino Defendants written consent to file the FAC and  
18 did not have leave of court. [DKT 35];

19           4. Mendocino Defendants then filed a Motion to Dismiss the First  
20 Amended Complaint on August 5, 2025. [DKT 40] That Motion to Dismiss is  
21 pending and challenges the standing of one of the Plaintiffs, challenges whether the  
22 Section 1983 Claims, included in the MPSJ, are properly brought against either the  
23 Sheriff or County of Mendocino, and challenges the entire basis for Plaintiffs’ suit  
24 and MPSJ – whether Defendants were enforcing regulatory or criminal law in  
25 taking the actions they did with regard to Plaintiffs.

26           5. No discovery has taken place in this case thus far. Discovery is not  
27 open, and no Fed. R. Civ. 26(f) conference has taken place. The parties have not  
28 submitted a joint discovery plan. Id.

1           6.       This action is premised on Plaintiffs’ assertions that they are members  
2 of an Indian Tribe, that they owned Tribal land in trust, that they were not violating  
3 any California criminal law, and that searches and seizures were improperly  
4 conducted on their land by deputies of one or more law enforcement agencies.  
5 Mendocino Defendants will need to conduct discovery to determine whether any of  
6 Plaintiffs’ declarations are even remotely factual in any arena. As of yet,  
7 Defendants have had no opportunity to test or explore the scope of Plaintiffs’  
8 assertions. In support of the MPSJ, Plaintiffs rely on Declarations of four people  
9 who have not been deposed, and the documents they cite and rely on have not been  
10 subject to discovery or authenticated.

11           7.       Plaintiffs’ self-serving declarations are fraught with unascertained and  
12 vague accusations, as well as speculations which cannot be determined without  
13 discovery. For example, Plaintiffs appear to move for summary judgment on their  
14 Fourth Amendment Section 1983 Claim (MPSJ pp. 10-12), but it is even wholly  
15 unclear whether Plaintiffs argue that the searches were warrantless, whether they  
16 argue they were conducted pursuant to search warrants but that they were  
17 conducted outside the scope of those warrants, or whether they argue they were  
18 conducted pursuant to search warrants but that those warrants were obtained by  
19 judicial deception or lacked probable cause.

20           8.       Mendocino Defendants have not taken the depositions of any of the  
21 three individual Plaintiffs or the any person most knowledgeable of Plaintiff Round  
22 Valley Tribe. Likewise, two elected County Sheriffs and the Commissioner of a  
23 State agency are named as Defendants as individuals and in their official  
24 capacities, three different law enforcement agencies are named as Defendants, and  
25 a Deputy Sheriff is named as a Defendant; however, no depositions have been  
26 taken nor any written discovery conducted to shed any light on the alleged and/or  
27 actual actions of each.

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1           9.     The completion of discovery will shed light on the following facts: (1)  
2     The exact location of Plaintiffs' land currently identified only by trust allotment  
3     number for which no public maps appear to be available; (2) Whether warrants  
4     were issued that encompassed Plaintiffs' land; (3) Whether Plaintiffs' land had  
5     marijuana growing on it and how many plants; (4) Whether Plaintiffs' homes had  
6     any marijuana found inside and the amounts thereof; (5) Exactly what was seized  
7     or destroyed on which property belonging to which Plaintiff; (6) Which law  
8     enforcement agency(ies) executed each warrant and who was present for those  
9     warrant executions; (7) Whether either Sheriff was present for any of the searches  
10    or took any actions that could result in supervisor liability; (8) Whether probable  
11    cause existed that a California criminal law was being violated; and (9) Whether  
12    Plaintiffs conspired or acted in concert with any person whose property was  
13    searched pursuant to a warrant or other facts that would subject Plaintiffs' property  
14    to be included in the scope of the warrant.

15           10.    The facts noted in Paragraph 9 above, are all key facts required to  
16    oppose Plaintiffs' Motion on their Fourth Amendment Claim and many are also  
17    key to whether Plaintiffs were subject to the enforcement of a regulatory or  
18    criminal law – the very bedrock of their First and Second Claims on which they  
19    move for summary judgment. These are also all key facts to determining the  
20    liability, or lack thereof, of each Defendant.

21           11.    Mendocino Defendants expect discovery will support there was  
22    probable cause to suspect violations of California criminal law, that each warrant  
23    was supported by probable cause, that each warrant was properly executed, and  
24    that the seizure and/or destruction of marijuana was valid.

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1 I declare under penalty of perjury under the laws of the United States that  
2 the foregoing is true and correct. Executed this 19<sup>th</sup> day of August, 2025, at  
3 Fullerton, California.

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5 *s/Denise Lynch Rocawich*  
6 Denise Lynch Rocawich, Esq.

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